

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-36582 of 2022

Date of Decision: 16.1.2023

Dr. Atul Kohli

---Petitioner

versus

State of Haryana

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sushil Sheoran, Advocate for
Mr. R.A.Sheoran, Advocate
for the petitioner
Ms. Dimple Jain, AAG, Haryana
Mr. Shokeen Singh Verma, Advocate
for the complainant

JAGMOHAN BANSAL, J. (ORAL)

On 22.8.2022, following order was passed:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.156 dated 02.08.2022, registered for offences under Sections 341, 354-A and 506 of the Indian Penal Code, 1860, at Police Station Jui Kalan, District Bhiwani.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, Deputy Advocate General, Haryana accepts notice on behalf of the respondent-State. She is assisted by Mr. Shokeen Singh Verma, Advocate for the complainant, who has filed

Vakalatnama, which is taken on record.

List on 16.01.2023.

Status report be filed by the State before the next date.

In the meanwhile, arrest of the petitioner shall remain stayed till the next date.”

Short report by way of affidavit of Jagat Singh, DSP, Loharu, District Bhiwani, Haryana on behalf of respondent-State is taken on record. Registry is directed to tag the same at appropriate place.

Learned State counsel submitted that police after investigation has found nothing incriminating against the petitioner and accordingly cancellation report was filed on 10.10.2022 before the competent court.

Paras 5 and 6 of the reply reads as:-

“5. That during further investigation, the employees of the hospitals namely 1- Shravan Kumar, 2- Neeraj Jangra, 3- Amandeep, 4- Pulkit, 5- Priyanka, 6- Sangeeta, 7- Asha were joined in investigation and they have submitted their affidavits and their statements were also recorded and during further investigation and verification of facts, it was found that the present petitioner found the complainant taking intoxication and gave warning not to repeat such act in future and due to this reason, the complainant has got lodged this present false case against the present petitioner. All the allegations of complainant alleged in the FIR and in her statement under Section 164 Cr.P.C.were found false and baseless. Hence, the cancellation report has been prepared in the case.

6. In view of the above facts and circumstances, the present petition has become infructuous and is liable to be disposed off in accordance with law.

It is, therefore, respectfully prayed that in view of the submissions made above, present petition may kindly be disposed off in accordance with law, in the interest of justice.”

In view of the above and keeping in mind law enunciated by Hon’ble Supreme Court in **Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590, Arnab Manoranjan Goswami V. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil V. CBI (2022) 10 SCC 51, Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375, Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 Supreme Court Cases 565, Arnesh Kumar V. State of Bihar (2014) 8 SCC 273**, the petition is allowed and the interim protection granted to the petitioner is made absolute.

(JAGMOHAN BANSAL)
JUDGE

16.1.2023

paramjit

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No